



DEPARTMENT OF COMMERCE

International Trade Administration

[A-423-812]

Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Final Results of Antidumping Duty Administrative Review; 2018-2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that the producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), May 1, 2018, through April 30, 2019.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Alex Wood, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1959.

SUPPLEMENTARY INFORMATION:

Background

This review covers four producers and/or exporters of the subject merchandise. Commerce selected two companies, Industeel Belgium S.A. (Industeel) and NLMK Clabecq S.A./NLMK Plate Sales S.A./NLMK Sales Europe S.A./NLMK Manage Steel Center S.A./NLMK La Louviere S.A. (collectively, NLMK Belgium), for individual examination. The producers and/or exporters not selected for individual examination are listed in the “Final Results of the Review” section of this notice.

On July 24, 2020, Commerce published the *Preliminary Results*.¹ In September 2020, certain petitioners,² Industeel, and NLMK Belgium submitted case and rebuttal briefs.³ For a description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.⁴ On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.⁵ On December 30, 2020, we extended the deadline for the final results by 60 days, until March 18, 2021.⁶ The deadline for the final results of this review is now March 18, 2021.

Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other nonmetallic substances from Belgium. Products subject to the order are currently classified in the Harmonized Tariff Schedule on the United States (HTSUS) under item numbers:

7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000. Although the HTSUS subheadings are

¹ See *Certain Carbon and Alloy Steel Cut-to-Length Plate from Belgium: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019*, 85 FR 44854 (July 24, 2020) (*Preliminary Results*).

² This company is Nucor Corporation.

³ See Petitioner’s Case Brief, “Certain Carbon and Alloy Steel Cut-to-Length Plate from Belgium: Nucor’s Case Brief,” dated September 8, 2020; Industeel’s Case Brief, “Antidumping Duty Administrative Review of Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Industeel’s Case Brief,” dated September 8, 2020; NLMK Belgium’s Case Brief, “Certain Carbon and Alloy Cut-to-Length Plate from Belgium: Case Brief,” dated September 8, 2020; Petitioner’s Rebuttal Brief, “Certain Carbon and Alloy Steel Cut-to-Length Plate from Belgium: Nucor’s Rebuttal Brief,” dated September 15, 2020; Industeel’s Rebuttal Brief, “Antidumping Duty Administrative Review of Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Industeel Rebuttal Brief,” dated September 15, 2020; and NLMK Belgium’s Rebuttal Brief, “Certain Carbon and Alloy Cut-to-Length Plate from Belgium: Rebuttal Brief,” dated September 15, 2020.

⁴ See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2018-2019 Administrative Review of the Antidumping Duty Order on Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium,” dated concurrently with these results (Issues and Decision Memorandum), which is hereby adopted by this notice.

⁵ See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,” dated July 21, 2020. Because the *Preliminary Results* published on July 24, 2020, three days after this tolling memorandum, the deadline for these final results was tolled by 57 days.

⁶ See Memorandum, “Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium; 2018-2019 Administrative Review: Extension of Deadline for Final Results,” dated December 20, 2020.

provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.⁷

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum.⁸ Interested parties can find a complete discussion of these issues and the corresponding recommendations in this public memorandum, which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain changes to the preliminary weighted-average margin calculations for Industeel and for those companies not selected for individual review.⁹

Final Results of the Review

We are assigning the following weighted-average dumping margins to the firms listed below for the period May 1, 2018 through April 30, 2019:

Producers/Exporters	Weighted-Average Dumping Margin (percent)
Industeel Belgium S.A.	4.57
NLMK Clabecq S.A./NLMK Plate Sales S.A./NLMK Sales Europe S.A./NLMK Manage Steel Center S.A./NLMK La Louviere S.A.	12.29
Review-Specific Average Rate Applicable to the Following Companies: ¹⁰	
Stahlo Stahl Service GmbH & Co. KG	8.43
Tranter Service Centers	8.43

⁷ For a full description of the scope of the order, see Issues and Decision Memorandum.

⁸ *Id.*

⁹ See accompanying Issues and Decision Memorandum.

¹⁰ This rate is based on the simple average of the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis*, or based entirely on facts available. See section 735(c)(5)(A) of the Act. See Memorandum, "Final Results of the Antidumping Administrative Review of Certain Carbon and Alloy Steel Cut-To-Length Plate from Belgium: Calculation of the Cash Deposit Rate for Non-Reviewed Companies," dated March 18, 2021.

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), where Industeel and NLMK Belgium reported the entered value of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondents did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the simple average¹¹ of the cash deposit rates calculated for Industeel and NLMK Belgium. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.¹²

Commerce's "automatic assessment" will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will

¹¹ *Id.*

¹² *See* section 751(a)(2)(C) of the Act.

instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Consistent with its recent notice,¹³ Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the Federal Register. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.40 percent, the all-others rate established in the LTFV investigation.¹⁴ These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

¹³ See *Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings*, 86 FR 884 (January 15, 2021).

¹⁴ See *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders*, 82 FR 24096, 24098 (May 25, 2017).

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is being issued and published in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213.

Dated: March 18, 2021

Christian Marsh,

Acting Assistant Secretary

for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

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- II. Background
- III. Scope of the Order
- IV. Margin Calculations
- V. Discussion of Issues
 - Comments Pertaining to Industeel
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 - Comment 2: Payments Related to Section 232 Liabilities
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 - Comments Pertaining to NLMK Belgium
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- VI. Recommendation

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